



TEW 3761

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: May 3, 2006 Name: Andrew D. Stover, Reg. No. 38,629 Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Price et al.

Appln. No.: 09/899,808

Filed: July 5, 2001

For: REFASTENABLE ABSORBENT  
GARMENT

Attorney Docket No: 659-867

Client Ref. No.: 17022

Examiner: Kidwell, Michele M.

Art Unit: 3761

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Reply to April 6, 2006 Office Action
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Andrew D. Stover (Reg. No. 38,629)

May 3, 2006

Date



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

5/3/06  
Date of Mailing

ANDREW D. STOVER, Reg. No. 38,629

Name of applicant, assignee or  
Registered Representative

ADST  
Signature

5/3/06  
Date of Signature

Our Case No. 659-867

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Price, et al.

Serial No.: 09/899,808

Filing Date: July 5, 2001

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Examiner: Kidwell, Michele M.

Group Art Unit No.: 3761

REPLY TO APRIL 6, 2006 OFFICE ACTION

MS AMENDMENT  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received an outstanding Office Action mailed April 6, 2006. In the Office Action, the Examiner stated that the reply filed January 23, 2006 was not fully responsive, namely since the amendments were not in compliance with 37 CFR

1.121. In particular, the Examiner noted that changes to an amended claim must be shown by strikethrough or underlining, except that the deletion of five characters or less may be *may* be shown with double brackets, and that the deletion of certain characters *must* be used if the strikethrough cannot be easily perceived.

After reviewing Applicants' Amendment filed January 23, 2006, the undersigned attorney was not able to identify any changes that were not in compliance. Although Applicants deleted words with five or fewer characters (see, e.g., claims 20-24 – “a”, “edge” and “seam”), the use of double brackets is optional, not mandatory, and the strikethrough in those claims is easily perceived.

Accordingly, Applicants submit that the Amendment as filed is in compliance with 37 CFR 1.121. Nonetheless, Applicants have amended claim 20 to provide double brackets around the letter “a” to further clarify the amendment. Applicants' undersigned attorney attempted to contact the Examiner to clarify the perceived error before filing this response, but was unable to reach her.